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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,242	11/13/2003	David Henderson	14311	8586

7590

10/17/2005

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Ogden, UT 84405

EXAMINER
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BROWN, DREW J

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/712,242	<b>Applicant(s)</b> HENDERSON ET AL.	
	<b>Examiner</b> Drew J. Brown	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-15, 17-19, 22-26 and 28-40 is/are rejected.
- 7) ☒ Claim(s) 10, 11, 16, 20, 21, 27, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/13/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that the thread (106) goes through the base (100) as well as through the adjacent portion of the flexible member (62) as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3616

3. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 32 recites the limitation "the attachment mechanism" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-8, 12-15, 17-19, 22-26, 28-31, and 33-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Melia (U.S. Pat. No. 6,481,744 B2).

Melia discloses a cushion comprising a deployed configuration where the cushion (40') is inflated to provide impact protection and a stowed configuration in which the cushion is compactly storable (Fig. 5). The cushion comprises an inflatable curtain designed to provide lateral impact protection, and it is elongated and rolled (column 3, lines 54-58) in the stowed configuration and has a longitudinal axis at least partially encircled by the retention apparatus to facilitate installation of the cushion in a generally horizontal orientation within the vehicle (Figs. 3 and 3A).

A retention apparatus (50', 56', and 58') comprises a flexible member (50' and 58') and a fastener (56') attachable to the flexible member via an attachment mechanism (54') such that the

Art Unit: 3616

fastener is fastenable to attach the retention apparatus to the cushion to keep the cushion in the stowed configuration. The retention apparatus extends along substantially the entire length of the cushion (Fig. 3A) and there is at least one additional retention apparatus (Fig. 3), each of which has an additional flexible member, fastener, and attachment mechanism that have the same function and are distributed along the longitudinal length of the cushion. The flexible member is constructed of a fabric having a napped side (58') and a non-napped side (54'), wherein the hook-and-loop fastening strip is attached to the non-napped side so that the flexible member can be rolled to fasten the hook-and-loop fastening strip to the napped side. The fastener comprises a hook-and-loop fastening strip (column 4, lines 43-47), and the attachment mechanism has an attachment strength selected to permit removal of the fastener from the flexible member to permit inflation of the cushion to the deployed configuration (column 4, lines 40-43).

With respect to claims 22-26, 28-31, and 33-40 Melia discloses an invention meeting the method limitations. In addition to the invention as discussed above, inflation gas is received into the cushion to induce inflation of the cushion from the stowed configuration (Fig. 6), and each additional fastener is also released from attachment with each additional flexible member to permit opening of each additional retention apparatus to permit inflation of the cushion into the deployed configuration. Also, the flexible member has a first outer edge (54') and a second edge (58'), wherein wrapping the retention apparatus at least partially around the lengthwise axis comprises placing the cushion adjacent to the flexible member and extending the first and second edges around the cushion such that the first and second edges are disposed adjacent to each other.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melia in view of Lowe et al. (U.S. Pat. No. 6,145,879). Melia discloses the claimed invention as discussed above but does not disclose that the flexible member is constructed of a non-woven polypropylene fabric. However, Lowe et al. does disclose that the flexible member is constructed of a non-woven (column 5, lines 6-8) polypropylene (column 1, lines 58-60) fabric. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Melia in view of the teachings of Lowe et al. to construct the flexible member out of non-woven polypropylene fabric in order to obtain desirable properties to enable the cushion to inflate properly.

***Allowable Subject Matter***

9. Claims 10, 11, 16, 20, 21, 27, 41, and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3616

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bowers et al. (U.S. Pat. No. 6,106,006), Boydston et al. (U.S. Pat. No. 5,794,971), Keshavaraj (U.S. Pat. No. 6,883,827 B2), and Wu (U.S. Pat. No. 6,045,151) all disclose similar airbag modules.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 7 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
PAUL N. DICKSON

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Drew J Brown  
Examiner  
Art Unit 3616

DJB